

Union Calendar No. 5

108TH CONGRESS
1ST SESSION

H. R. 395

[Report No. 108–8]

To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a “do-not-call” registry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. TAUZIN (for himself and Mr. DINGELL) introduced the following bill;
which was referred to the Committee on Energy and Commerce

FEBRUARY 11, 2003

Additional sponsors: Mr. BURR, Mr. UPTON, Mr. STEARNS, Mr. GILLMOR, Mr. SHIMKUS, Mr. BUYER, Mr. BASS, Mr. MARKEY, Ms. ESHOO, Mr. STUPAK, Ms. SOLIS, Mr. WYNN, Mr. FLETCHER, Mr. JOHNSON of Illinois, Mr. ISSA, Mr. ROGERS of Michigan, Mr. OTTER, Mr. FERGUSON, Ms. SCHAKOWSKY, Mr. KIND, Mr. FRELINGHUYSEN, Ms. BERKLEY, Mr. SHERMAN, and Mr. BILIRAKIS

FEBRUARY 11, 2003

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a “do-not-call” registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Do-Not-Call Imple-
5 mentation Act”.

6 **SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REG-**
7 **ISTRY FEES.**

8 The Federal Trade Commission may promulgate reg-
9 ulations establishing fees sufficient to implement and en-
10 force the provisions relating to the “do-not-call” registry
11 of the Telemarketing Sales Rule (16 C.F.R.
12 310.4(b)(1)(iii)), promulgated under the Telemarketing
13 and Consumer Fraud and Abuse Prevention Act (15
14 U.S.C. 6101 et seq.). Such regulations shall be promul-
15 gated in accordance with section 553 of title 5, United
16 States Code. Fees may be collected pursuant to this sec-
17 tion for fiscal years 2003 through 2007, and shall be de-
18 posited and credited as offsetting collections to the ac-
19 count, Federal Trade Commission—Salaries and Ex-
20 penses, and shall remain available until expended. No
21 amounts shall be collected as fees pursuant to this section
22 for such fiscal years except to the extent provided in ad-
23 vance in appropriations Acts. Such amounts shall be avail-
24 able for expenditure only to offset the costs of activities
25 and services related to the implementation and enforce-

1 ment of the Telemarketing Sales Rule, and other activities
2 resulting from such implementation and enforcement.

3 **SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-**
4 **CALL REGULATIONS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Federal Communications Commission shall
7 issue a final rule pursuant to the rulemaking proceeding
8 that it began on September 18, 2002, under the Telephone
9 Consumer Protection Act (47 U.S.C. 227 et seq.). In
10 issuing such rule, the Federal Communications Commis-
11 sion shall consult and coordinate with the Federal Trade
12 Commission to maximize consistency with the rule promul-
13 gated by the Federal Trade Commission (16 C.F.R.
14 310.4(b)).

15 **SEC. 4. REPORTING REQUIREMENTS.**

16 (a) REPORT ON REGULATORY COORDINATION.—
17 Within 45 days after the promulgation of a final rule by
18 the Federal Communications Commission as required by
19 section 3, the Federal Trade Commission and the Federal
20 Communications Commission shall each transmit to the
21 Committee on Energy and Commerce of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report which
24 shall include—

1 (1) an analysis of the telemarketing rules pro-
2 mulgated by both the Federal Trade Commission
3 and the Federal Communications Commission;

4 (2) any inconsistencies between the rules pro-
5 mulgated by each such Commission and the effect of
6 any such inconsistencies on consumers, and persons
7 paying for access to the registry; and

8 (3) proposals to remedy any such inconsis-
9 tencies.

10 (b) ANNUAL REPORT.—For each of fiscal years 2003
11 through 2007, the Federal Trade Commission and the
12 Federal Communications Commission shall each transmit
13 an annual report to the Committee on Energy and Com-
14 merce of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the Senate
16 a report which shall include—

17 (1) an analysis of the effectiveness of the “do-
18 not-call” registry as a national registry;

19 (2) the number of consumers who have placed
20 their telephone numbers on the registry;

21 (3) the number of persons paying fees for ac-
22 cess to the registry and the amount of such fees;

23 (4) an analysis of the progress of coordinating
24 the operation and enforcement of the “do-not-call”

1 registry with similar registries established and main-
2 tained by the various States;

3 (5) an analysis of the progress of coordinating
4 the operation and enforcement of the “do-not-call”
5 registry with the enforcement activities of the Fed-
6 eral Communications Commission pursuant to the
7 Telephone Consumer Protection Act (47 U.S.C. 227
8 et seq.); and

9 (6) a review of the enforcement proceedings
10 under the Telemarketing Sales Rule (16 C.F.R.
11 310), in the case of the Federal Trade Commission,
12 and under the Telephone Consumer Protection Act
13 (47 U.S.C. 227 et seq.), in the case of the Federal
14 Communications Commission.

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